

# WAIVER TIPSHEET

## Office of the Dean of Students

For any questions, please email the SERM Coordinator at [sgevents@ualberta.ca](mailto:sgevents@ualberta.ca)

### WHAT is a waiver?

A waiver is a contract where the participant (person signing the waiver) agrees to give up the right to sue if they are injured, even if the injury resulted from the negligence of your student group as organizers of an event. Your student group may not be held liable in court if a valid waiver has been signed – even if a participant were injured, they sued, and a court found your group negligent.

### WHEN does a group need a waiver?

Groups need waivers of some sort, whether it's an individually-administered waiver, a sign-up sheet style waiver, or a ticket or displayed disclaimer for their event, when higher levels of risk are involved in an event. Some easy indicators of risk are:

- Alcohol
- Travel or transportation
- Physical activity
- Large events
- Substantial media involvement
- Controversial material or topics.

This is not an exhaustive list – lots of events might benefit from using waivers as part of a risk management plan. If your group has had waivers in the past, you will likely need them again – but you'll want to review it **and** obtain an updated version. If you're unsure if your group needs a waiver, just fill in the event form on BearsDen and we'll evaluate that for you.

### WHERE & HOW does your group get a waiver?

Simply fill in the event form on BearsDen, and we'll review your event, determine whether or not you need a waiver, and then set you up with one if you need one.

Navigate to BearsDen and make sure you're logged in, then click "My Shortcuts" at the top. Go to your student group page, click events at the top of the page and then click the "Create Event" button. **Please fill out the form at least 10 full business days prior to your event.**

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### WHAT do you do with the waiver?

Once you have your waivers, use the checklist below to ensure that you're following proper protocol.

#### 1. Preparation

- Review the document to double-check your group name, the event name, the date of the event, and any event activity information.
- Print out (must be **double-sided** if the waiver has more than one page) as many copies as you need.
- Find witnesses from your group to administer waiver signing.
  - Waivers cannot be signed at home and submitted later – they have to be signed in the presence of a group witness.
  - Witnesses should be: group executives, event organizers, group members, or U of A/SU representatives if you can't find group members to act as witnesses.
  - Your group should use **no more than three** different witnesses covering all waivers.
  - The witnesses should be people your group trusts to be mature and responsible individuals – they may need to stand in court one day.
- Review administration procedures with your group executives and the witnesses. Make sure that you plan for participants having time to read, comprehend, and sign the waivers.
  - Waivers cannot be signed when or where alcohol is being served.
  - The participants need to read and understand all the information when they sign the waiver. If they don't, either because they aren't paying attention or because your group failed to provide them with enough time to do so, the waiver will not be an effective strategy for risk management.

#### 2. Administration

This procedure for witnesses is especially important and should be followed identically for all waiver administration.

- The witness must ask the participant "Have you read and do you understand the waiver?"
  - The participant **must respond affirmatively** before signing.
- Participant signs the waiver.
- Check that the printed name of the participant is complete.
- Check that the participant has not altered any of the wording of the waiver.
- Check that the participant has correctly signed and dated the waiver.
- The witness then signs the waiver.
  - Minors cannot sign waivers – their parents or legal guardians need to sign on their behalf.
  - No one who has been drinking or is otherwise incapacitated can sign a waiver.

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### 3. Storage

- Alphabetize all waivers by participant **last** name. The **ONLY** exception for this is a “Sign-Up Waiver” as participants do not need to sign that in alphabetical order.
- Fill in the **Waiver Cover Sheet** and place it at the front of the waiver package. If you have a large amount of participants, you are more than welcome to type that list and attach it to the **Waiver Cover Sheet**
- Place the waivers and cover sheet in an envelope or folder (**NO STAPLES**).
- Submit this package to the Office of the Dean of Students in the **two weeks** following your event. Your waivers will be stored and accessible for 5 years in compliance with all regulations.

<b>KEY TIPS</b>
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- Club executives and members also need to sign waivers.
- If a participant asks what the waiver is, here’s an official explanation: *“The document you are asked to sign is a Waiver of Liability and Indemnity Agreement. It is a legal document and by signing the Waiver and Indemnity, you are giving up certain legal rights, including the right to sue, should you be injured while participating in this activity.”*
- For a ticketed event, participants should have the opportunity to read and sign their waivers when they purchase or obtain their tickets – not at the door.
- Some groups hold orientation sessions or training debriefings for specific events, especially those involving physical activity. This would be a great time to explain to all members what the waiver covers.
- Give your group or event participants advance notice that a waiver will be required – even a bullet point or footnote on promotional literature for the event would be a good idea.
- Don’t staple your waivers, or the Office of the Dean of Students will ask your group to remove all staples before you submit them to the office.
- If you don’t have access at home to a double-sided printer, use SUBprint’s services on campus.
- If participants need detailed explanations of the waivers, or if they are concerned about any of the language, they should contact the Student Event Risk Management Coordinator directly – student group representatives do not have to explain and defend every item in the waiver.
- Read Insurance & Risk Assessment’s **Guidelines for the Administration for Waivers for a Student Group** for a more in-depth explanation of the legal processes surrounding waivers and how they play into a group’s risk mitigation measures if you are interested.