Guidelines for the Administration of Waivers & Informed Consents

If you require a Waiver or Informed Consent for your specific activity, or if you have questions about an event or would like to be trained on how to administer waivers, please contact Risk Management & Insurance at contact us [1] or the appropriate staff person for assistance.

PLEASE NOTE: These guidelines are NOT applicable to the informed consents and waivers required for research involving the use of human subjects/participants. Please contact Research Services [2] if you require assistance with an application and documentation for this purpose.

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1. Which document do I use?

Participants 18 years of age or older and who are involved in a non-credit Course activity that requires a waiver, must sign an ADULT WAIVER.

Participants 18 years of age and older that are signing a document for a Credit Course activity, are involved in their thesis work or are an employee of the University must sign an ADULT INFORMED CONSENT.

Minors under the age of 18 must have their parent/legal guardian sign a CHILD INFORMED CONSENT.

2. What steps do I take next?

Copy two page Waivers or Informed Consents in a back to back format.

Give advance notice of the requirement to sign the Waiver or Informed Consent to all participants if possible. For example, mention of the requirement to sign an Informed Consent or Waiver could be made in promotional literature distributed or mailed out to potential participants.

3. When can they be signed?

Generally, Waivers and Informed Consents **cannot** be filled out and signed on the day that the event occurs or the day that the transportation leaves for the event. They must be filled out and signed prior to that time. This ensures that the participants or their parents/legal guardians have sufficient time to consider the legal implications of signing the Waiver or the Informed Consent.

However, the **exception** to this is when the Waiver or Informed Consent has been sent out to the participants with sufficient advance notice. The document can then be brought back on the first day of class and signed in front of an

appropriate witness. If you are planning to distribute the Waivers or Informed Consents in this fashion, please ensure that you track the date that you sent out the waivers, to ensure that there is proof that prior copies were distributed, in case this comes up later.

4. Who can be a witness?

a) Specific employees of the University or specific persons contracted to provide instruction for the University. They should be designated and trained to deal with the administration of Waivers and Informed Consents and act as witnesses to the execution of the Waiver or Informed Consent. Bearing in mind that these persons may some day have to appear in court to testify as to the execution of the document, these people should be responsible individuals.

ADULT WAIVERS & INFORMED CONSENTS must be executed in the presence of specifically designated employees of the University or specific persons contracted to provide instruction for the University. The only alternative is to have the document executed by the participant and witnessed by a lawyer then mailed into the University.

c) CHILD INFORMED CONSENTS should be executed in the presence of specifically designated employees of the University. The only exception is if the distance of the parents/legal guardians from the University makes it administratively impossible. In this case the Informed Consents may be signed by the parent/legal guardian and witnessed by a person that is not of their immediate family. Witnesses must print their name and supply their address and telephone number for the form to be complete.

5. How do I administer and witness an Informed Consent or Waiver?

Waivers and Informed Consents must be signed by the participant or their parent/legal guardian in front of the University employee, contracted instructor or trained student group member, who will act as witness. Before witnessing the Waiver or Informed Consent by signing the document beside the signature of the participant or their parent/legal guardian, the witness should observe the following points:

- ensure the person is of sound mind and body;
- check picture identification to ensure the person signing the Waiver/Informed consent is the same as the participant on the Waiver or the parent/legal guardian on the Informed Consent;
- ensure that the name of the participant and address are complete;
- ensure that the participant/parent/legal guardian has signed and dated the Waiver or Informed Consent;
- ensure that the participant/parent/legal guardian has not changed or crossed out any of the wording on the Waiver or the Informed Consent;
- the witness should ask each participant/parent/legal guardian: "Have you read and do you understand the Waiver/Informed Consent?";
- the participant/parent/legal guardian must respond affirmatively.

Only after the above points have been confirmed should the witness sign the Waiver/Informed Consent.

6. What if they ask me to explain the document?

a) WAIVER - If the participant requests an explanation of the meaning of the Waiver, the following explanation should be given:

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."

As the Waiver is written in clear terms, the witness should not attempt to get into a more elaborate explanation, but

should suggest the participant re-read the document. If the participant insists on questioning the witness or is troubled by the language in the Waiver referring to the negligence of the University, the participant should be directed to consult with the Risk Management department of the University.

INFORMED CONSENT - If the participant requests an explanation of the meaning of the Informed Consent they should be encouraged to re-read the document as the document is written in clear terms. If the participant insists on questioning the witness further, they should be directed to consult with the Risk Management department of the University.

7. What should I do with the Waivers/Informed Consents after they are signed?

Executed Waivers/Informed Consents should be filed and safeguarded for a period of not less than ten years. Waivers/Informed consents signed in years previous to the year of the accident will be of value in establishing the participant's understanding of the nature of the document.

8. What do I do if there is an accident during the activity?

Any incidents or accidents that occur during an activity (off-campus or on-campus) must be reported immediately to Campus Security for an accident report. Risk Management will contact you to obtain original copies of the Informed Consents/Waivers that were signed.

9. International Travel to Extreme Risk Countries

This document is an exception to the rule. It must be witnessed by a person in Legal Services, Risk Management & Insurance or someone who has been authorized specifically for this waiver. It will be retained in the offices of Risk Management & Insurance.

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Links
[1] mailto:ehinse@uoguelph.ca [2] http://www.uoguelph.ca/research/