

What To Do With Waivers and Informed Consents

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This document is for the use of University of Alberta **faculties, departments, and administrative units** who have received waivers or informed consents from Insurance & Risk Assessment for their program or event.

Registered Student Groups will receive a different version of this document from the Student Event Risk Management Coordinator once their event has been approved through [BearsDen](#).

Once you have [requested a waiver or informed consent](#) from Insurance & Risk Assessment for your program or event, follow these simple guidelines to ensure proper execution.

Here is a quick summary of the “dos and don’ts” of waiver or informed consent administration. More detailed information about each point is also provided below.

DO	DON'T
Give participants advance notice	Administer just before you leave on a trip
Give participants an opportunity to read the waiver or informed consent and ask questions	Alter the waiver or informed consent provided to you by Insurance & Risk Assessment without express permission
Enforce a “no signature, no play” policy	Administer to someone under the influence of alcohol or drugs
Have a UAlberta representative witness the signature, whenever possible	Allow participants to cross out or delete sections of the waiver or informed consent
Follow a consistent administrative procedure in you department	Allow minors to participate in high-risk activity
Print the waiver or informed consent double-sided, in colour, on a single piece of paper	Collect more personal information than is necessary for the administration of the program or event

Keep signed waivers and informed consents on file according to the recommended retention period	Allow the participant to list a fellow participant as their emergency contact
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Give participants advance notice

Whenever possible, advance notice of the requirement to sign a waiver or informed consent should be given to all participants. For example, mention the requirement to sign a waiver or informed consent in promotional literature distributed to potential participants. Ideally, the waiver or informed consent will be provided well in advance of the program starting or during registration so that participants can have time to read it and appreciate its impacts and consequences.

Explain the waiver or informed consent

Provide the participant with some general information about what the waiver or informed consent is intended to do. It is important that the participant understands what they are doing by signing the waiver or informed consent. This will be of particular concern if you are dealing with international students who do not have a strong grasp of English. Their inability to understand what they are signing could impact whether the waiver or informed consent is found enforceable by a court. You should use the following explanation:

"The document you are asked to sign is a waiver and release of liability. The purposes of this document are to make you aware of the risks associated with this activity, to ask you to accept those risks, and to help you understand your responsibility in case of injury or property damage arising from your participation. This will allow you to make an informed choice about whether to participate. This is a legal document and, by signing, it you are giving up certain legal rights, including the right to sue should you be injured during participation."

If the participant has more questions, do not feel pressured to attempt a more elaborate explanation, but instead suggest the participant re-read the document. If the participant still has questions, please refer them to Insurance and Risk Assessment for more information.

Do not sign waivers when or where alcohol is being served

Someone who has been drinking cannot sign a waiver. If waivers are signed just prior to the event (this should only rarely occur because waivers should be signed well in advance), anyone who has been drinking will not have the legal capacity to sign the waiver and therefore **cannot and will not be allowed to participate**.

Witnesses

A waiver or informed consent should be signed in front of a witness. Whenever possible, the witness should be a University of Alberta representative (specifically designated staff or registered volunteer of the faculty, department, or administrative unit) and should be the person that explained the waiver or informed consent to the participant. Sometimes this will not be administratively possible (for example, when a parent/guardian needs to sign on behalf of an international student who is 17). In these cases, the witness **MUST NOT** be an immediate family member of the participant.

Please keep in mind that in rare circumstances, a witness may have to appear in court to testify as to the execution of the document, so they should be informed of this responsibility. Each waiver or informed consent should be signed and witnessed the same way every time with no exceptions so that it is easier on the witness if they are ever required to testify in court as to how the waivers or informed consents were administered.

Witness contact information

When the witness is not a designated UAlberta representative, the witness **MUST NOT** be an immediate family member of the participant and the witness must provide their name and address for identification purposes.

Enforce a “no signature, no play” policy

When a faculty, department, or administrative unit has worked with Insurance & Risk Assessment to determine that waivers or informed consents will be used for an activity, all participants must sign the waiver or informed consent in order to participate. Anyone who refuses to sign the waiver or informed consent should not be allowed to participate in the activity.

Implement best practices

It is important for your department to follow a simple, consistent procedure when issuing and collecting waivers or informed consents. Everything should be done the same way by everybody every time so that if they ever need to provide evidence in court relating to waivers or informed consents they can speak regarding their "standard process."

Here is an example of a standard process you may wish to adopt in your department:

1. The waiver or informed consent should be printed and/or copied in colour to a single double-sided page.
2. As noted above, the form should be signed in front of a witness, if possible.
3. The witness should ask each participant: “Have you read and do you understand the waiver or informed consent?”
4. The witness should check the waiver or informed consent to ensure:
 1. that the personal information, emergency contact, printed name, initials have been provided;
 2. that the participant **has not changed or crossed out** any of the wording of the waiver or informed consent;
 3. that the participant is over 18. If they are not over 18, their parent/guardian should sign the form instead;
 4. that the participant has indeed signed and dated the waiver or informed consent.

Only after all the above points have been confirmed should the witness sign the waiver or informed consent.

Collection of personal information

It is important not to collect unnecessary personal information on a waiver or informed consent but some information is required so that we are able to identify individuals that have signed (in case of legal action). Participants will be required to provide their name, UAlberta ID (if applicable), street address, and email address. The informed consent form will collect the age of the participant for retention purposes.

Minors

Participants are asked to acknowledge that they are over 18 before signing a waiver. If they are not over 18, their parent or guardian should sign an informed consent, not a waiver. The parent or guardian should also provide their name and mailing address for identification purposes.

Do not collect

The following information should NEVER be collected on a waiver or informed consent: minor

- Birth date
- Health care number
- Gender

Emergency contact

The emergency contact person should NOT be someone who is also involved in the activity or on the same trip with the participant.

Storage of waivers and informed consent forms

A waiver is a legal document that could be needed to defend the university during legal proceedings. For this reason, it is very important that waivers and informed consents be stored in such a way that they are secure but also easily accessible if there is an incident. The best way to ensure this is for all departments and units to consistently follow a standard retention guideline.

Signed waivers and informed consent forms should be filed in a secure location with the faculty, department, or administrative unit. Please consult the [Information & Privacy Office's website](#) for information about reasonable security arrangements for safeguarding these files, since they contain personal information.

Exceptions to this are online waiver or informed consent forms collected by select faculties on campus, with prior review/approval from senior administration and Insurance & Risk Assessment.

Retention guidelines

- Waivers: keep for 10 years
- Informed consent forms for minors: 10 years after the minor reaches the age of 18
 - Eg. if minor is 12 at time of signature her form should be kept for 16 years

Storage Format Best Practices

- Keep signed paper copies of waivers and informed consents in an organized filing system that would allow you to find them by activity date and/or event name, if required.

OR

- Keep scanned copies of signed waivers and informed consents in PDF format in a secure server location that is regularly backed up. Ensure that PDF files are labeled and filed in such a way that they would be easily located, if required.
- To save administrative time and to reduce the number of digital files you are storing, you may wish to feed all of the waivers and informed consents from an event or activity through you scanner at once and save them as a single PDF file, and then group your PDFs into folders by year. Be sure to use all relevant identifying information (activity name, date, retention date) in the file name for easy retrieval and/or destruction.
 - Eg. Waivers>2018>Field Trip to Drumheller July 5 (keep until July 2028).pdf
 - Eg. Waivers>2018>Field Trip to Drumheller July 5 Minors (keep until July 2034).pdf
 - Note: In these examples, “Waiver” would be the name of the root file, “2018” would be a subfile, and the rest would be the name of the document. Each document could potentially contain dozens or even hundreds of signed waivers combined into 1 file.